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ART UNIT	PAPER NUMBER
2122	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/764,352	MASUDA ET AL.
	Examiner	Art Unit
	Chih-Ching Chow	2122

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01/19/2001</u>.

2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-12</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-12</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 January 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some *　c)☐ None of:

　　　1. ☒ Certified copies of the priority documents have been received.

　　　2. ☒ Certified copies of the priority documents have been received in Application No. <u>09/764,352</u>.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

　　a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Drawings

1.   The drawings are objected to because typing errors exist. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Applicant should further review the drawings and appropriate corrections should be made.

- o   Fig. 1 block 3, "COMPARING REFFERING PROCESS" should be "COMPARING REFERRING PROCESS"

- o   Fig. 1 block 5, "SPESIFIC" should be "SPECIFIC"

- o   Fig. 2 block 27 has been referred to as both HDD and HD in the specification, for example, in [0031] "Hard Disk Drive (HD) 27", whereas [0032] "A program stored in HDD 27 is ...", the references of the Hard Disk Drive should be consistent. Please review the specification and make appropriate corrections.

- o   Fig. 6, a typing error in the description block, 2nd line, "ACCOMPANYS" should be "ACCOMPANIES".

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3.   A substitute specification in proper idiomatic English and in compliance with 37

CFR 1.52(a) and (b) is required. A statement that it contains no new matter must

accompany the substitute specification filed. First example of the unclear specification is

in [0039], last sentence "And the room where user oneself selects an application

program of more than one version exists." What is the 'room' mentioned here (with no

number referenced)? What does this sentence relate to in embodiment 2? Second

example is in [0012], "this invention analyzes the data file which is to be read, and

extracts a characteristic point." In [0013], "this characteristic point is reserved word and

a syntax pattern of macro instruction in a document file. In many cases, these reserved

words and the syntax pattern depend on a version of the application program. A version

of the most suitable application program to open a document file becomes clear by

extracting these." Is the macro instruction stored in the application program? How do

'these reserved words and the syntax pattern depend on a version of the application

program'? An editorial review is required in order to enable the examiner to fully

understand the specification.

4.   The disclosure is objected to because of the following informalities: Typing error.

For example, [0035] "o f". Applicant should further review the specification and

appropriate corrections should be made.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter, which the applicant regards as his invention.

6.   The following claims are generally narrative and indefinite, failing to conform to

current U.S. practice. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors. An editorial review is

required for the following claims:

Claim 1:

- o   Claim 1 (a), "extracting a feature point after having analyzed <u>data file</u>" ⇨ should

    be '<u>a data file</u>'.

- o   Claim 1 (b), "deciding a version of <u>an application</u> suited for the data file based on

    an extracted feature point," ⇨ should be <u>an application program</u>.

- o   Claim 1 (c), "judging whether <u>an application program</u> of a decided version is

    already installed," ⇨ this should be '<u>the application program</u> of a decided

    version' since it's the same application program mentioned in claim 1 (b), see

    above.

- o   Claim 1 (d), "newly installing an application program of the version when the

    application program is not installed." This item is not clearly recited; the

    meaning is vague and confusing.

Claim 4:

- o   Claim 4 (a), "extracting a feature point after having analyzed equal to or more

  than two data files"

  Claim 4 (b), "deciding a version of the application program that <u>the data file is</u>

  <u>readable based on the feature point</u>," ⇒ The underlined part is not clearly

  recited; since there are at least two data files mentioned in (a).

- o   Claim 4 (d), "<u>actuating</u> the displayed application program <u>in relation to any one of</u>

  <u>the data files</u>." ⇒ what does 'actuating' mean here? What 'relation' does it

  mean on the last sentence?

Claim 8:

- o   "An activation method of an application mentioned in claim 3, further comprising:

  eliminating an existing file in case that a **vacancy domain** is insufficient when

  the **application program is executed**." The claim is not clear about what "a

  vacancy domain" is, does it mean "space"? And does is mean application

  program is "<u>executed</u>", or the application program is "<u>installed</u>"? Normally, a user

  wants to ensure that there is enough space when <u>installing</u> a new software

  version. Therefore the interpretation of this claim should be "installation will not

  be done if there is insufficient space available in the computer and the data file is

  eliminated".

Claim 9:

o   Claim 9 (d), "<u>actuating</u> the displayed application program <u>in relation to any one of</u> <u>the data files</u>." ➪ what does 'actuating' mean here? What 'relation' does it mean on the last sentence?

Claim 10:

o   Claim 10 (d), "a means for <u>actuating</u> the displayed application program <u>in</u> <u>relation to any one of the data files</u>." ➪ what does 'actuating' mean here? What 'relation' does it mean on the last sentence?

Claim 11:

o   Claim 11 (b), "a means for deciding a version of <u>an application</u> suited for the data file based on an extracted feature point," ➪ should be <u>an application</u> <u>program</u>.

o   Claim 11(c), "a means for judging whether <u>an application program</u> of a decided version is already installed," ➪ this should be '<u>the</u> application program of a decided version' since it's the same application program mentioned in claim 11 (b), see above.

o   Claim 11 (d), "a means for newly installing an application program of the version when the application program is not installed." This item is not clearly recited; the meaning is vague and confusing.

Claim 12:

o "The storage medium that <u>memorized a program</u> for sequentially executing....",

   it's not clear what is stored in the storage medium; the applicant did not use a

   clear, concise and exact terms for this claim.

o Claim 12 (d), "a step for newly installing an application program of the version

   when the application program is not installed." This item is not clearly recited;

   the meaning is vague and confusing.

7.   Claim 1 recites the limitation "the data file" in claim 1 (b). There is insufficient

antecedent basis for this limitation in the claim.

o Claim 1 (b), "deciding a version of an application suited for <u>the data file</u> based on

   an extracted feature point", there is not a specific data file mentioned previously

   in the claim.

8.   Claim 4 recites the limitation "the application program" in claim 4 (b). There is

insufficient antecedent basis for this limitation in the claim.

o Claim 4 (a), "extracting a feature point after having analyzed equal to or more

   than two <u>data files</u>"

   Claim 4 (b), "deciding a version of <u>the application program that the data file is</u>

   <u>readable based on the feature point</u> suited for <u>the data file</u> based on an extracted

   feature point," here <u>the application program</u> is not mentioned previously in this

claim. And <u>the data file</u> is not clearly pointed out which one of the two (two or

more is recited in claim 4 (a)).

- o   Claim 4 (c), "simultaneously displaying <u>the data file</u> and an application program

    of a version decided thereby," <u>the data file</u> is not clearly pointed out which one of

    the at least two in claim 4 (a).

9.   Claim 5 recites the limitation "the data file". There is insufficient antecedent basis

for this limitation in the claim. Claim 5, "An activation method of an application

mentioned in claim 4 wherein: <u>the data file</u> is displayed with a different symbol figure by

each version corresponding to the application program. Here <u>the data file</u> is not clearly

pointed out which one of the at least two in claim 4 (a).

·10.   Claim 6 recites the limitation "the data file". There is insufficient antecedent basis

for this limitation in the claim. Claim 6, "An activation method of an application

mentioned in claim 4 wherein: only <u>the data file</u> corresponding to a version of the

application program is displayed when the application program is selected. Here <u>the</u>

<u>data file</u> is not clearly pointed out which one of the at least two in claim 4 (a).

11.   Claim 9 recites the limitation "the application program" and "the data file". There

is insufficient antecedent basis for this limitation in the claim. Claim 9, "A record medium

that a program is recorded, comprising: a step for (a) extracting each feature point after

having analyzed equal to or more than two data files, a step for (b)deciding a version of

<u>the application program</u> which can read <u>the data file</u> based on the feature point, a step

for (c) simultaneously displaying <u>the data file</u> and <u>an application program</u> of a version

decided thereby, and a step for (d) actuating the displayed application program in

relation to any one of the data files. Here " the application program in (b) is not

previously mentioned in this claim. Same reason, the data file in (b) and (c) is not clearly

pointed out which one of the at least two in claim 9 (a).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1, 3, 4, 7, 9 -12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6199204 by Donohue, as applied to claims above,

further in view of U.S. Patent No. 6282712 by Davis et al (herein after Davis).

Claims	Donohue / Davis
1. An installation method of an application comprising: (a) extracting a feature point after having analyzed data file,	Donohue has taught us a method for automatically updating of computer programs. In his invention column 8, line 32-35, "Assuming that software vendors provide via their Web sites a list 60 of available product updates referenced by **product identifier** and **release number** 110 (or some **other consistent naming convention** is used). Here the "product identifier" or "other consistent naming convention" is similar as the 'feature point' (item (a)); and the "release number" is the same as the "version of an application" (item (b)). On his Fig. 2, the table shows the software product identifier along with the associated version number. Therefore, once a

'feature point' is identified (extracted) the version number can be detemined (claim 1 (a), (b)).

(b) deciding a version of an application suited for the data file based on an extracted feature point,

See the rejection of claim 1 (a).

(c) judging whether an application program of a decided version is already installed, and

Donohue column 8, line 65-67 shows "a **comparison** 250 between the current installed software product's identifier and release number and the listed available updates in the retrieved file 160. This comparison determines possible growth paths form the current to updated versions... Thus, the updater component determines whether the available new versions and whether it is possible to apply patches to the current version..." The **comparison** is **judging** whether an application should be installed (claim 1 (c)).

(d) newly installing an application program of the version when the application program is not installed.

Assuming this means install the application program if it's not currently installed yet (see rejection on 112 2nd paragraph for claim 1 (d)).
Donohue teaches the feature extracting and version comparison, but does not install the software unless the software meets the 'predefined update criteria'. However, Davis shows the installation is performed regardless of 'predefined update criteria' in an analogous art for the purpose of facilitating the installation of software within their distributed system (See Davis BACKGROUND OF THE INVENTION). Davis' column 3, line 47-57, "In providing hardware and software inventory support, the centralized management system provides a listing of the hardware and software components on the computers in the distributed system. In providing software distribution

and installation, the centralized management system centralized the distribution and installation of application programs on file servers or clients of the file servers. The software update functionality performed by the centralized management system **installs new software versions when the current version of the software becomes outdated**." It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system with installing the most up-to-date version software to a distributed network, for the same reason it is taught by Davis' method, see references above.

3. An installation method of an application mentioned in claim1, wherein: (a) the feature point is a syntax pattern of the macro instruction included in the data file, and	For the features of claim 1 see Donohue and Davis. See the rejection of claim 2 (a).
(b) the version is decided by detection the syntax pattern peculiar to each version.	See the rejection of claim 2(b).
4. An activation method of an application comprising: (a) extracting each feature point after having analyzed equal to or more than two data files,	The rejection of claim 1 (a) also applies for two or more than two data files.
(b) deciding a version of the application program that the data file is readable based on the feature point,	See the rejection of claim 1 (b)
(c) simultaneously displaying the data file and an application program of a version decided thereby, and	In Donohue, column 7, lines 62, Each vendor is assumed her to make available via their Web Sites such a list 60 of software updates (an example of which is shown in Fig. 2). Fig. 2 shows software updates list and retrieved software list;

both the data file and the application program are **displayed** in web site for the user to access. Therefore it covers item (c).

(d) actuating the displayed application program in relation to any one of the data files.	It's not clear what does the 'actuating' mean here (see rejection 112 (2nd) above). However, assuming it means, "retrieve/select and install" the application program. Donohue teaches the means of 'retrieving' the application program. In Donohue's claim 1, 3rd and 4th items, "means for **initiating retrieval** of software update resources which satisfy said predefined criteria; and means for applying a software update to one of the installed computer programs using the one or more retrieved software resources." But Donohue doesn't specifically allow the user to select certain application program. However Davis shows the feature to allow the user to manually select an application program in an analogous art for the purpose of ensure that the application program installation is necessary and appropriate (implied from Davis BACKGROUND OF THE INVENTION). In Davis' claim 1, 4th and 5th items, "**selecting an edition** of the software....", "automatically installing the **selected edition** of the software onto the new computer ...". It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system with the user selection feature for the same reason it is taught by Davis, see reference above.
7. An activation method of an application mentioned in claim 4, wherein: the installation of a corresponding application program is executed when an application	For the features of claim 4 see Donohue and Davis. See the rejection of 1 (d).

program corresponding to the data file does not exist.

9. A record medium that a program is recorded, comprising:
    (a) a step of extracting each feature point after having analyzed equal to or more than two data files,

In Donohue's claim 1, "A computer program product, comprising computer program code recorded on a computer readable **recording medium**, ..." Here Donohue teaches us a record medium for a software update system. For claim 9 (a) see the rejection of claim 4 (a).

    (b) a step for deciding a version of the application program which can read the data file based on the feature point,

See the rejection of claim 4 (b).

    (c) a step for simultaneously displaying the data file and an application program of a version decided thereby, and

See the rejection of claim 4 (c).

    (d) a step for actuating the displayed application to any one of the data files.

See the rejection of claim 4 (d).

10. An apparatus for executing an application program comprising:
    (a) a means for extracting each feature point after having analyzed equal to or ore than two data files,

See the rejection of claim 4 (a).

    (b) a means for deciding a version of the application program which can read the data files

See the rejection of claim 4 (b).

    (c) a means for simultaneously displaying the data file and an application program of a version decided thereby, and

See the rejection of claim 4 (c).

    (d) a means for actuating the displayed application program in relation to any one of the data files.

See the rejection of claim 4 (d).

11. An apparatus for installing an application program comprising:
    (a) a means for extracting a feature point after having analyzed equal to or ore than two data files,

See the rejection of claim 1 (a).

    (b) a means for deciding a version of an application program suited for the data file based on an extracted feature point,

See the rejection of claim 1 (b).

(c) a means for judging whether an application program of a decided version is already installed, and	See the rejection of claim 1 (c).
(d) a means for newly installing an application program of the version when the application program is not installed.	See the rejection of claim 1 (d).
12. The storage medium that memorized a program for sequentially executing: (a) a step for extracting a feature point after having analyzed data file,	The program is executing the updates has to be stored somewhere in the system in order to be executed. For item (a), see the rejection of claim 1 (a).
(b) a step for deciding a version of an application suited for the data file based on an extracted feature point,	See the rejection of claim 1(b).
(c) a step for judging whether an application program of a decided version is already installed, and	See the rejection of claim 1 (c).
(d) a step for newly installing an application program of the version when the application program is not installed.	See the rejection of claim 1(d).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S.

Patent No. 6282712 by Davis et al. (herein after Davis), and further in view of U.S.

Patent No. 5,276,881 by Chan et al. (herein after Chan).

Claims	Donohue / Davis / Chan
2. An installation method of an application mentioned in claim 1, wherein: (a) the feature point is a reserved word of a macro instruction included in the data file, and	For the features of claim 1 see Donohue and Davis. Donohue teaches the feature point but does not specifically mention 'reserved word', however Chan shows the feature point is a reserve word of a macro instruction feature in an analogous art for the purpose of facilitating the software installation by embedding the program's feature in function calls (see Chan's BACKGROUND OF THE INVENTION). In Chan, column 46, line 64-68, "At the Producer site 206, such library function names must be replaced by unique **keywords** using function like **macro definitions** in the modified ADF version of the header file. At the Installer site 216, 226, the andf.h file would contain an HPcode-Plus **macro** expansion for the reserved negative symbolic id (of the **unique keyword**) defining it either as a **function call** or as a HPcode-Plus instruction sequence for the local macro definition." It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system by adding the feature point via a keyword macro instruction in the data file, for the same reason it is taught by Chan.
(b) the version is decided by detecting the reserved word peculiar to each version.	See Donohue Fig. 2, the software identifier and version are associated; therefore if a software identifier is determined the associated versions can then be determined.

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S.

Patent No. 6282712 by Davis et al (herein after Davis), and further in view of U.S.

Patent No. 5943678 by Hocker et al (herein after Hocker).

Claims	**Donohue / Davis / Hocker**
5. An activation method of an application mentioned in claim 4 wherein: the data file is displayed with a different symbol figure by each version corresponding to the application program.	For the features of claim 4 see Donohue and Davis. Donohue has taught a method of updating computer software, but he does not show how to represent multiple versions of files in different symbol figures. However, Hocker shows a graphical user interface (GUI) to display the various versions of software in an analogous art for the purpose of effectively communicate with a computer by using a graphical symbol feature for the different versions of software. In his Abstract, "A region of the **graphical user interface** is provided to which other icons may be dragged so that the function represented by the dragged icon returns to a prior sate... By storing the previous m versions of a file, application, database, etc., where **m is user selectable**, the **user can review prior versions of that file**, application, or database without explicitly having to track

those versions." The displayed graphical interface (can be icon) or other symbol is as recited in claim 5. In Hocker's column 2, line 51-55, "the user is allowed to examine older versions of the data without confusing older data with present data. Graphical methods, such as shading or coloring, may be used to visually differentiate retrieved and /or extrapolated displays form current displays." The user can select a previous version and that version will be displayed is as recited in claim 6. It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system with the displaying different versions of the software for the same reason it is taught by Hocker, see references above.

6. An activation method of an application mentioned in claim 4, wherein:
only the data file corresponding to a version of the application program is displayed when the application program is selected.

For the features of claim 4 see Donohue and Davis.
See the rejection of claim 5.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S.

Patent No. 6282712 by Davis et al (herein after Davis), and further in view of Reisman

US2002/0124055 A1.

Claims	Donohue / Davis / Reisman
8. An activation method of an application mentioned in claim 3, further comprising: eliminating an existing file in case that a vacancy domain is insufficient when the application program is executed.	For the features of claim 3 see Donohue and Davis. Donohue has mentioned a method of updating software automatically but he does not specifically mention there has to be sufficient space to update the file. However, Reisman shows the method to ensure that sufficient disk space is available for all fetched objects in an analogous art for the purpose of to have a successful file installation. In Reisman, page 7, paragraph [0089], "verifies that sufficient disk space is available for all fetched objects.... And returns an error report if any of these requirements is not fulfilled." It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue/Davis' invention of updating software automatically with the space verification feature for the same reason it is taught by Reisman, see reference above.

Conclusion

The following summarizes the status of all the claims:

112 (2nd paragraph) rejections: 1, 4-6, 8-12.

103 (b) rejections: 1 – 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 703-305-7205. The examiner can normally be reached on 6:30am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 703-305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Chih-Ching Chow
Examiner
Art Unit 2122

CC

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124